

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

In re

APPLESEED'S INTERMEDIATE HOLDINGS
LLC, *et al.*,

Debtors.

Robert N. Michaelson, as Trustee of the Appleseed's
Litigation Trust,

Plaintiff,

v.

Golden Gate Private Equity, Inc., a Delaware
corporation, *et al.*,

Defendants.

Case No. 11-10160 (KG)

Chapter 11
(Jointly Administered)

Civil Action No. 11-807 (JEI/KM)

JURY TRIAL DEMANDED

**CERTIFICATION OF COUNSEL REGARDING
SERVICE OF ORDER UPON KARINN KELLY**

Carl N. Kunz, III, Esq., ("Counsel") hereby certifies as follows:

1. On July 31, 2012, Counsel filed a *Motion of Morris James LLP to Withdraw as Counsel to Karinn Kelly* (D.I. 91) (the "Motion"), seeking to withdraw as counsel to Ms. Kelly.
2. On September 7, 2012, this Court entered an Order (D.I. 110) (the "Order") indicating that the Court would hold a hearing on the Motion on October 12, 2012 at 3:30 p.m. at which Ms. Kelly was required to appear telephonically. As part of the Order, Counsel was directed to send Ms. Kelly a copy of the Order by regular and certified mail, return receipt requested, and file proof of service upon Ms. Kelly not later than October 7, 2012 along with a copy of all related correspondence to Ms. Kelly.
3. On September 10, 2012, a copy of the Order was sent by Counsel's paralegal to Ms. Kelly by regular and certified mail, return receipt requested. A copy of the transmittal

envelopes, U.S. Postal Service confirmation of delivery and signed return receipt is attached hereto as Exhibit A.

4. On September 11, 2012, Counsel prepared written correspondence to Ms. Kelly, and again sent a copy of the correspondence and Order, via regular and certified mail, return receipt requested, to Ms. Kelly. A copy of the correspondence, together with proof of mailing to Ms. Kelly and U.S. Postal Service confirmation of delivery, is attached hereto as Exhibit B. The green card from this packet has not been received.

5. On October 2, 2012, Counsel sent an email to Ms. Kelly, together with a copy of all September 11 correspondence, attempting to confirm that Ms. Kelly had received all correspondence, notwithstanding Counsel's failure to receive the signed green card from the September 11 packet. A copy of Counsel's email, together with the related attachments, is attached hereto as Exhibit C.

6. Also on October 2, 2012, Counsel received a reply email from Ms. Kelly, confirming that she had received the correspondence. A copy of Ms. Kelly's email to Counsel is attached as Exhibit D.

Dated: October 5, 2012

MORRIS JAMES LLP



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